

## Environmental Roundtable Meeting Notes

September 16, 2004

Attendees: Matthew Auten, Paul Beaudette, Kendra Beaver, Harvey Buford, Paul Caccia, Kelly Camp, Jim Celenza, Sheila Dormody, Joan Garceau, Liberty Goodwin, Barry Schiller, Joseph McLoughlin, Joseph Callanan, Jane Austin, Amy Willoughby

DEM Staff: Terri Bisson, Russell Chateauneuf, Terry Gray, Janet Keller, Steve Majkut, Elizabeth Stone, Fred Vincent

1. **Greetings and Introduction** - Sheila Dormady welcomed participants at 3:08 PM.
2. **May Meeting Minutes** - Kendra Beaver asked about the status of ISDS and water quality regulations and DEM enforcement. After responses from DEM staff, the May meeting minutes were approved without change.
3. **DEM Report:**
  1. *Budget Update* – Fred Vincent reported that the budget is due to the General Assembly in February, a month earlier than usual. The Department is facing a reduction of \$3.2 million for the 2005 budget and undertook an exercise to prioritize programs to meet the target. Last year, DEM avoided layoffs by increasing fees and offsets. This year, the fee increases and offsets will not be available so the current target would require approximately 60 layoffs. The budget office agreed that the proposed cuts would be draconian and discussions were ongoing. Vincent reported that the Bureau with the largest cuts would be the Policy and Administration Bureau.

Barry Shiller expressed concern that DEM does not have a level playing field in budget deliberations because a permanent director has not been appointed. Fred assured Barry there is no need to be concerned. Fred has been negotiating budgets for many years and feels the Department has a lot of credibility with decision makers. Sheila noted that ECRI has an upcoming meeting with the Governor and that the issue of a permanent director for DEM is on the agenda.
  2. *Open Space and Water Bond* – Fred reported that Question 8 will be the largest bond on the ballot this year and expressed optimism that the bond would pass given voters past track record. Fred reported that the Governor has also agreed to seek another bond in 2006. A member expressed concern that the bond did not include dollars for Phase II Stormwater implementation. Fred said it does include \$11 million for grants to communities, which may be used for Phase II. He acknowledged, however, that funding may not be sufficient.
  3. *Governor's Bay Planning Initiative* – Fred reported that DEM is tracking over 40 work items related to the Bay initiative and referred members to the September Environmental Roundtable Newsletter, which provides the details on the latest happenings. Governor Garrahy will Chair the newly established coordinating team and will schedule a formal meeting soon. A member asked about the Marine Resources Development Plan and how it fits into an overall systems-level plan. Fred stated that CRMC is responsible the marine plan and would have to identify the approach and submit it to the Bay team for adoption in an overall systems plan. He also noted that CRMC is one of the seven members of the coordinating team
  4. *Legislative Update* – Elizabeth Stone reported that the Department is currently seeking input internally. She noted the Department is moving forward to re-introduce cesspool phase-out legislation and has also been asked to look into mandatory sewer tie-ins. DEM is also looking

at legislation to establish land management districts and to capture dollars from DEM concessions in a restricted receipt account. DEM's legislative package is due to the Governor by 10/1 and will be finalized by mid-December.

A member asked if there would be any proposals to merge CRMC and DEM. Fred said that was a recommendation of the Governor's Fiscal Fitness Initiative, which is being implemented in Phases. He does not see the CRMC/DEM merger on the agenda for the upcoming year.

Barry Shiller asked if DEM has received any LNG proposals. No official applications have been received. DEM is part of a team that has met over the last 6 months and is commenting on LNG.

#### 5. *Regulatory Update:*

Water Quality Regulations - Angelo Liberti reported that draft amendments will go out to public notice in the next couple of months. The amendments will include federal changes to water quality standards for beaches. A member asked if these regulations would be subject to the Regulatory Flexibility Act amendments. Angelo stated that these regulations would not be subject to the amendments.

305 B Report – the report will be issued to EPA in the next month or so. The draft list of impaired waters represents the bulk of the changes in the 305B update.

TMDL Status – Angelo Liberti provided the group with a [handout](#) showing the status of TMDL's. Some are on schedule and others are not due to vacancies and other priorities. DEM continues to work with EPA on how to address the problems in the TMDL program, however, EPA has reorganized making it difficult to keep the discussions moving. They also have a major budgetary problem.

CA-LEV – Steve Majkut reported that the stakeholder process to adopt CA-LEV is underway. There has been good participation from the automakers and they are currently narrowing down the issues. Steve expects to finish up the stakeholder process in a couple of weeks and hold a hearing sometime in October. He anticipates adopting the regulations by the end of the year.

Ozone – Steve reported that RI exceeded the 8-hour ozone standard only 4 this summer because of the cool weather. He reported that we continue to be out of attainment

#### 4. **Mercury Report**

- a. *Commission News* – Terry Gray reported that the mercury commission formed in the spring has issued an [interim report](#) which is on the Department's website and that working groups are underway.
- b. *Amalgam* – Sheila asked for this item on the agenda as follow up to the May meeting where NBC outlined its practices for working the dentist to reduce amalgam deposits at WWTF. She would like DEM to consider regulating other WWTF's to adopt NBC practices. She noted that a group of Brown students are doing an analysis on the issue and she hopes to bring more solid numbers to work with. It was noted that NBC serves approximately 40% of the population, but probably a slightly higher percentages of dentists.

#### 5. **Discussion: Notification Process**

- a. *Major WWTF Permits* – Caroline Karp was not present and this item was tabled.

- b. *Contamination/Community Notification* – Harvey Buford, Chair of the Hopkinton Conservation Commission, asked about Department procedures to notify community officials of contamination and/or violations. He noted that a citizen went before the Hopkinton Planning Board as they considered 2 proposed developments in town, both are across the street from a former gas station. RIDEM had a consent agreement with the station to clean up and monitor a gas leak and is presently taking court action for non-compliance. No official in town appeared to have been aware of the leak, the violation notices, the consent agreement or the alleged lack of compliance until this citizen learned of it while searching DEM documents. Fred noted that DEM publishes Notices of Violations on its website and issues news releases on major violation. Dean Albro also noted that municipalities are notified as violations are recorded in land evidence records. Fred asked Janet Keller and Scott Millar to work with Harvey to see how the process might be improved.

6. **Land Use Plan** - Janet Keller announced that the State Technical Committee is currently drafting the State's Land Use Plan. She noted that the plan is critical to the protecting undeveloped land and encouraged the group to follow the process. The next meeting will be held on October 8 at 9 AM and the first Friday of each month thereafter.

Joan Garceau spoke of her concern that the public is not represented properly and that the state is making plans without sufficient public input. She also noted that in some cases municipalities have ignored their responsibilities. Director Vincent agreed to speak with her about her specific concerns in Narragansett and Janet reiterated the invitation for the public to be involved in development of the land use plan.

7. **Solid Waste Plan** – Paul Caccia reported that the plan is under internal review at RIRRC. Barry Shiller expressed concern that if the plan is delayed any longer we could miss the opportunity to submit legislative proposals in the next session. Terry Gray agreed to contact RIRRC to get a sense of how process is moving along.

#### 8. **Future Meeting Topics**

- Land use as it relates to open space grants
- Rules for the bond issues if it passes in November
- Mercury
- Legislative packages
- Solid Waste Plan
- Narragansett Bay Updates

#### 9. **Other Announcements**

Liberty Goodwin reported that the deadline for the Less Toxic Landscaping Contest was extended to September 21 and encouraged members to promote. She also expressed concern about the National Youth Soccer Association partnership with Chem Lawn and encouraged members to get involved with the issue.

#### 10. **Next Meeting:** Thursday, December 16, 2004